IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

2008 MAR -6 P 4: 50

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	MISC NO. 2:08 mc3399-W
	)	
HERBERT LEE BAILEY,	)	
	)	
Defendant,	)	

MOTION FOR ORDER REQUIRING EXAMINATION
OF JUDGMENT DEBTOR

Plaintiff, United States of America, moves the Court to issue

an Order requiring the Defendant, HERBERT LEE BAILEY, to appear and

testify at a Judgment Debtor Examination in aid of execution under

Rule 69 F.R.C.P., and in support of this Motion relies upon the

Affidavit annexed hereto as Exhibit A.

LEURA G. CANARY
United States Attorney

By: _____
R. RANDOLPH NEELEY
Assistant United States Attorney
Bar Number: 9083-E56R
Attorney for Defendant
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IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA RECEIVED
NORTHERN DIVISION

2008 MAR -b P 4· 50

UNITED STATES OF AMERICA,	)	DEBRA P. HACKETT, CLK
	)	U.S. DISTRICT COURT
Plaintiff,	)	MIDDLE DISTRICT ALA
	)	
v.	)	MISC. NO. 2:08mc3399-W
	)	
HERBERT LEE BAILEY,	)	
	)	
Defendant,	)	

AFFIDAVIT

I, R. Randolph Neeley, having been first duly sworn, depose and say as follows:

1. I am an Assistant United States Attorney and represent the United States of America, Plaintiff, herein.

2. Judgment was entered on January 26, 2001 for Plaintiff and against Defendant for the sum of $12,277.39, together with interest thereon from the date of Judgment, and costs.

3. Defendant, HERBERT LEE BAILEY, resides at 1650 Goode Street, Montgomery, Alabama 36104, within the jurisdiction of this Court.

4. The Judgment has not been satisfied, vacated, reversed, or barred by the Statute of Limitations, and is one on which execution may properly issue.

5.   The balance due on the Judgment as of March 5, 2008, is

$11,077.39.

LEURA G. CANARY
United States Attorney

By: _____
R. RANDOLPH NEELEY
Assistant United States Attorney
Bar Number: 9083-E56R
Attorney for Defendant
Post Office Box 197
Montgomery, AL 36101-0197
Telephone No.: (334) 223-7280
Facsimile No.: (334) 223-7418
E-mail: rand.neeley@usdoj.gov

Sworn to and subscribed before me this

___6th___ day of __March__, 2008.

_____
NOTARY PUBLIC

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,   )
)
              Plaintiff,   )
)
        v.   )   MISC. NO. 2.08mc3399-W
)
HERBERT LEE BAILEY   )
)
              Defendant   )

ORDER FOR APPEARANCE OF JUDGMENT DEBTOR

Plaintiff, United States of America, having moved the Court

for an Order requiring the Defendant, HERBERT LEE BAILEY, to appear

and testify at a Judgment Debtor Examination, and the Court being

sufficiently advised,

It is ORDERED that the Motion for Order Requiring Examination

of Judgment Debtor is GRANTED.

It is ORDERED that Defendant, HERBERT LEE BAILEY, appear at

10:00 a.m. on the ___16th___ day of April, 2008, Courtroom 4A, United

States Federal Courthouse, One Church Street, Montgomery, Alabama

36104, to answer questions concerning Defendant's real and personal

property.

It is further ORDERED that Defendant bring the following

documents:

1. Copies of personal and business income tax returns for the years 2004, 2005, 2006, and 2007.

2. Copies of all personal and business bank statements for the years 2005, 2006, and 2008.

3. Record of any safety deposit box in your name or that of your spouse.

4. Copy of title or deed of personal residence if owned by you or any member of your family. If not, a copy of proof of ownership by unrelated party.

5. Copy of title or license of automobiles, airplanes, motorcycles and boats owned or driven by you or your spouse.

DEFENDANT, HERBERT LEE BAILEY, IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE TIME AND LOCATION SET FORTH ABOVE MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR DEFENDANT'S ARREST. A COPY OF THIS ORDER, TOGETHER WITH COPIES OF PLAINTIFF'S MOTION AND AFFIDAVIT, SHALL BE SERVED UPON DEFENDANT FORTHWITH.

DATED this _____ day of _____, 2008.

_____
UNITED STATES MAGISTRATE JUDGE